

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANGELA MARQUEZ and
EVA BRITO,

Plaintiffs,

v.

Civ. No. 05-1349 JH/WPL

FANTASTIC FOOD INC. D/B/A
DOWNTOWN DISTILLERY,

Defendant.


MEMORANDUM OPINION AND ORDER

This matter is before the Court on the motion by Plaintiff Angela Marquez to remand her claims to state district court [Doc. No. 7]. As grounds for this motion, Marquez argues that her discrimination claims against the Defendant arise under state law only. Marquez contends that because she asserts no claims arising under federal law, the removal of her discrimination claims to this Court was improper. However, Marquez ignores the fact that her co-plaintiff, Eva Brito, has asserted both discrimination in violation of state law and an alternative cause of action for gender discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. *See* Second Amended Complaint at ¶ 14. Accordingly, Brito asserts a claim under federal law.

Furthermore, all of Brito and Marquez's claims appear to arise from a common nucleus of operative facts—that is, they make similar claims of sexual harassment by the same manager during the same period of time. Thus, this Court has original jurisdiction over Brito's federal law claim, and it may exercise supplemental jurisdiction over both Marquez and Brito's state law claims. Accordingly, this Court has jurisdiction over the Second Amended Complaint, and Marquez's motion

to remand will be denied.

IT IS THEREFORE ORDERED that Plaintiff Marquez's *Motion to Remand* [Doc. No. 7] is **DENIED**.


UNITED STATES DISTRICT JUDGE